

FALSELY ACCUSED

BY KENNETT HARRIS

"But I didn't do it," protested the prisoner, wiping her eyes anew with her tear-saturated handkerchief. The matron, seated in a rocking-chair by her desk at the further end of the bare room and stitching busily at the hem of an apron, coughed, and directed a half smiling glance at the stout, dapper young lawyer and his prospective client. The young lawyer, from his perch on the ledge of the steel-barred window, winked wilyly in return. The girl was young, and she made a rather pathetic little figure in that stern cheerless environment. She could hardly have been more than nineteen or twenty and her face, pale by her last night's vigil and tear-stained, had a certain delicacy and refinement if not actual beauty. "Elise Harper, occupation, saleslady; residence, 87,319 Flournoy Avenue." That was her booking below.

"Please believe I didn't do it," she cried. "Of course you didn't," agreed Levy, the stout young lawyer, with smiling sarcasm. "The only trouble will be to make the jury believe you didn't. If I was the jury you'd leave this jail without a stain on your character in just about a holy second; but as it is—" He shrugged his plump shoulders and threw out his hands, palms upward.

A look of terror came into the blue eyes that were raised appealingly to his bold black ones and the slight frown in the purple-and-white frock slivered a little. Levy, looking at her, was puzzled in spite of his natural astuteness sharpened by six years of highly successful criminal practice; furthermore, he experienced a feeling almost entirely new to him—that of pity. "Don't you get scared, now," he said, reassuringly; "we'll get you off all right—some way. You're too pretty—" He checked himself, and that for the mere reason that the girl seemed distressed. Then the professional instinct asserted itself. "What did you do with the money?" he asked bluntly.

"The money?" "Why, yes, the money," repeated the lawyer sharply. "The money you got on the check?" "I didn't cash the check," the girl cried passionately. "I tell you I didn't! I didn't! Again the tears came, and again Levy was stirred by strange emotions. "The woman identified you pretty positively," he said after a pause, eying her narrowly, his full red lips pursed. "If I'm any judge she was honest about it." "I think she was honest about it, too," said the girl; "I don't understand it. She swore to my dress and my hat and everything, and the little boy was sure it was me."

The lawyer rubbed his chin, which was already tending to doubletiness, and smiled. It was mighty well done, he told himself. Young as he was he had seen some good counterfeits of angelic innocence, but this one beat them all. It was so good that he felt obliged to make a show of accepting it.

"I couldn't have gone in there and cashed the check without knowing it, could I?" asked his client with the same engaging candor of expression.

Levy chuckled. "I'm afraid we couldn't work that," he said. "Was it the same dress you're wearing?" "Yes."

"Same hat you wore in court yesterday?" "Yes."

His keen eyes surveyed the cheap, not too well-fitting suit, with a careful scrutiny under which the girl blushed faintly. "H'm—m! they become you? So you work in a store for seven dollars per and help to support your mother out of that?"

"Yes, sir."

"But your name isn't Harper, and you don't live on Flournoy?"

Her chin quivered. "I couldn't tell them that," she said. "If mother and I were in the papers it would have killed her. I thought they'd let me go when they found it wasn't me."

"Oh, cut that out!" said Levy, roughly. "What do you take me for? How do you suppose I'm going to do anything for you if you don't give me the straight of it?"

The girl looked at him, at first in amazement, and then, without replying, she arose and walked over to the matron.

"I'm ready to go back now," she announced, tremulously. "Thank you for being so kind, but I don't want him for my lawyer."

"What!" exclaimed the matron. She looked at Levy sternly. The lawyer shrugged his shoulders and threw out his hands.

"He thinks I passed the check," sobbed the girl; "he believes I'm lying to him about it. I want to go back. Oh! what shall I do?"

"Nonsense!" said the matron, not unkindly. "See here," said Levy, himself lying, and with artistic ease, "I don't believe you passed it. I wanted to see what you would say. You're all right. On the square, now! Come back and we'll talk this over." He took her by the arm and she suffered him to lead her back to the window. "You don't want to get sore, Elise," he remonstrated. "Is your name, Elise?"

"Yes," the girl whispered.

"You ain't sore now?"

"No," she replied, and smiled for the first time, "not if you really believe what I say."

"Sure I do," said Levy, "and I'm going to get you out of this. You can bank on it. Now let's see where we stand. You can't prove an alibi and there's two strong witnesses against you, and the police had your description before you were arrested. The old lady's respectable and there's no motive we can lay to her—tells a straight story and I don't believe she's going to weaken on it." He rubbed his chin and regarded her thoughtfully. "Now how do you think I'm going to get around all that?" he asked suddenly.

"I don't know," Elise answered with despair in her tone.

"Well, I'm going to do it, all the same," said Levy, shortly. "You've told me all you can, have you?"

"Yes."

"Good-by," said Levy, holding out his hand. She laid her within it. "I don't know what to say to thank you," she faltered. "I don't know how I'm ever going to pay you."

"Forget it!" said Levy, half jocularly; "we'll fix that later."

He turned abruptly, and nodding to the matron as he passed, left the room. A few moments later the great, iron-cased door of the jail closed behind him.

"Well, I guess I'm easy," he mused, as he made his way down a side street. "Not even a contingent fee in it, and it's going to cost money. Still, she might as well blow me as any of 'em. What kind of a game is she playing, anyway? I wonder if I do look like a sucker!"

He paused where a plate-glass window afforded him a view of himself, and smiled at his reflection. A rather massive head, square jaw, merging almost imperceptibly into the throat, full red lips, swarthy complexion, jetty, penetrating eyes; clothes almost too well-fitting, pink-striped linen, black necktie and brilliant and opal pin. A prosperous figure, certainly. Certainly not the face of a fool. Not an unattractive face either.

"She's a peach, anyway," he thought, "a little peach, and I'll gamble that this is her first." "But if it's her

first," urged superior reason, "how did she manage to throw it into you the way she did?"

This was something of a poser. There could be no doubt of the girl's guilt; the evidence was strong enough to convince anybody of that. Levy's experience had taught him to presume guilt in almost any case until innocence was established by absolute proof, and then to make mental reservations of doubt; but the most credulous of jurymen would not have accepted the bare denial of the accused girl in the face of the circumstances. At the time the bogus check was passed on the unsuspecting proprietress of the little dry-goods store, the *sou-disant* Miss Harper was down-town, according to her own story; but she was alone, had conversed with no one, could offer no proof of it. She was arrested in the immediate neighborhood of the store—probably working the district. About the bluest eyes!

At this stage in his meditations, Levy arrived at police headquarters, and woke to action. Opening, without hesitation, a door whose ground-glass upper panel bore the legend, "Private," he entered a large room where half a dozen or more men were lounging, smoking, reading or chatting. One of these was a florid, sandy-haired person of middle age, whose feet were comfortably disposed on a table, as he scanned the headlines of the latest edition of an afternoon paper. Him Levy tapped familiarly on the shoulder. "Spare me a minute, Jerry?" he asked.

"Sure," answered Detective Jerry Monahan, cordially, "minute and a half if you want it. What's doing?" "Want to have a talk with you," said Levy. "Come over here."

The detective reluctantly removed his legs from the table and followed the lawyer to a secluded corner of the room, where the two conversed for several minutes. At the close of the conference Levy shook the florid man's hand with some effusion. Monahan, on his part, was shaking his head.

"Then you'll send her up this evening?" asked Levy. "Sure," answered Monahan, "I'll send her up if I say I will. But—" He shook his head again.

"Don't you think she'll do it?" "She'll do anything I say, you can bet on that," replied the detective. "I'll see to that part of it all right. And she's the queen of 'em all, too."

"Then that's all right," Levy said, hastily. "Don't you worry about anything. See you later."

He backed off, waved his plump hand in farewell, and went quickly away, leaving Monahan still shaking his head doubtfully.

Levy had the honor of receiving the royalty mentioned by his friend in his own office at the time appointed. She was a young woman apparently; in fact, her youth was rather apparent than real, as Levy's keen eyes at once discovered. A very attractive-looking woman, in a way. Perhaps a trifle overdressed, a little verging upon gorgeousness in the matter of jewelry, but—"I guess you'll do," was Levy's mental comment, approving on the whole.

The visitor smiled. "You can get my Bertillon by applying at the proper quarter," she remarked, "but I guess you'll be able to swear to me without it."

"Sit down, Kate," said Levy affably. "Now I'll tell you in a mighty few words what I want with you."

"Well, it isn't much, is it?" said the woman, sarcastically, when he had told her. "I always heard your nerve well spoken of. Three jobs and an elegant show for getting nipped in any one of them!"

"Didn't I tell you it was fixed?" asked the lawyer. "That part of it is all right."

"Then I guess I'll make 'em a thousand apiece and shake the town," she said lightly.

Levy frowned. "You'll do exactly what I tell you," he declared, sternly, pulling some slips of paper from his vest pocket. "You'll take these, and you'll bring the stuff back here to me."

The woman took the slips and glancing at them, smiled as if something amused her. Then she laid them down on Levy's desk.

"I'm too much of a lady to do anything of that sort," she said, decidedly; "and besides," she added, "what is there in it for me?"

"A new dress and hat."

"Not good enough. Come again."

"And the privilege of obliging my friend, Jerry Monahan, and me, Kate," intimated Levy.

The woman picked up the slips again and bestowed them in her silver and seal hand-bag. "I suppose I'll have to, then," she said, discontentedly.

It often seemed to Elise that the day of the trial would never come, the hours dragged so wearily along in the gray, sunless monotony of her confinement. At certain periods steel doors clanged or hinges grated or measured footsteps sounded with hollow echoes through the bare corridors, at other times there was the reverberation of voices, now in harsh accents of reproof, and again in quickly suppressed wailing, in sobbing and in cussing; but for the rest, silence, dead and ominous. There was unspeakable relief to her in Levy's frequent visits. He had little to tell her usually and much to ask her. Some of his questions perplexed the girl; others distressed her by the implication of a recurring doubt of her innocence. Yet when she challenged his belief he would hasten to profess his entire, unshadowed faith, and always he left her with the earnest assurance that the day of trial would be her day of vindication and liberation. And it was impossible not to feel confidence in him.

So, when the day came at last its terrors were mitigated in some degree. However severe the little wrinkled man with the white moustache looked as he sat in judgment behind the tall desk, Levy was cool and cheerful as usual. The room was gloomy and depressing, the prosecuting attorney had a terrifying aspect, the witnesses regarded the prisoner vindictively and with anticipated triumph, and the jury seemed dull and apathetic, but Levy was untroubled by all this. Calm consciousness of power, absolute confidence, fairly radiated from him and communicated themselves to his client in every smiling glance he gave her.

"You may take the witness," said the assistant State's attorney.

Levy seemed to hesitate. Then, leisurely rising from his seat, he smiled reassuringly at the elderly woman who was showing symptoms of nervousness. "I think I will waive cross-examination," he said, addressing the Court. "Wait, though." He turned to the witness.

"I notice you are wearing glasses," he remarked. "Are you near-sighted?"

"Yes."

"Did the appearance of the woman who cashed this check strike you in any way remarkable?"

"I wouldn't say that," answered the witness, "but I knew her again the minute I laid eyes on her."

"Her appearance and manner inspired confidence?"

"She worked it pretty smooth," repeated the lawyer, slowly. "Then she had no appearance of nervousness? I will ask you to look at the prisoner."

All eyes turned on the slight, blue-eyed girl, who blushed hotly under their gaze. Her lips were trembling pitifully, and a coral necklace that she wore rose and fell rapidly with the agitation of her bosom. Her hands clutched the railing near her, as if for sup-

port. It could not have been done better, Levy thought, with satisfaction.

He waited for an effective space of time. "That's all," he said, with an equally effective air of giving it up.

James King Judson, a freckled, knobby-jointed boy of thirteen, son of the prosecuting witness, was the next called. His testimony was at the preliminary hearing, that he had heard the accused ask his mother if she could cash a small check for her, as the banks were closed and she was short of change. Afterwards he had opened the door for the lady, and had had a good look at her. Yes, it was the lady standing over there. She had on the same dress. He recognized the check on the Botanical National Bank as that which the lady had given to his mother in payment for the goods she had bought.

Levy yawned slightly and shook his head when the Assistant State's Attorney had concluded the examination and the boy stumbled away.

"I will call Abraham Bernstein," said Levy.

A slim, dark-browed young man stepped briskly forward and took the witness chair.

"Where you recently the victim of a check swindle, Mr. Bernstein?" asked Levy. "State what took place in your store on the evening of March 25th."

"A woman came in and bought six dollars' worth of toilet articles—perfume, complexion powder and a small manure set. She asked me to cash a check for her and I did so. The check was for fifteen dollars and

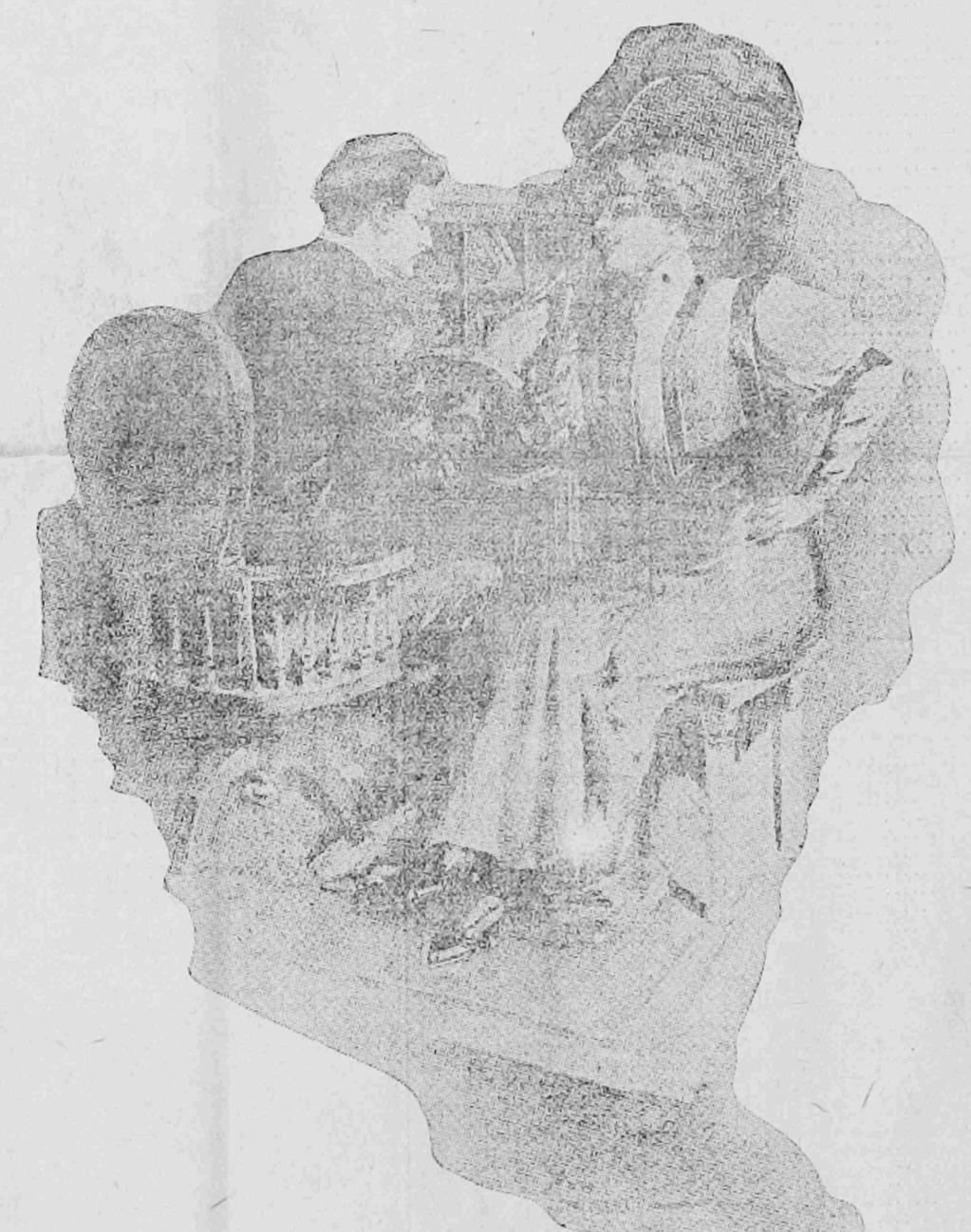
pion—had crowded it from her mental view. There was admiration, gratitude and all encouragement in the smile that she gave him.

"I shall now call Miss Rebecca Schonberg," announced Levy.

Rebecca Schonberg, saleslady, employed by the firm of Glick Eisendrath, for all her sophisticated air, her sharp black eyes, and her fourteen years of business experience out of a lifetime of twenty-three, had also been victimized by a check swindle—a woman in a purple and white dress, and with a purple feather in her hat something like the prisoner's, but not exactly the same. She had noticed the hat particularly. Believed it was the same dress, but would have to examine the goods in her hand to say positively. She resembled the prisoner, but was older. Had bought gloves—elbow length.

Miss Schonberg usually consulted Mr. Eisendrath, but he was at lunch, and she had acted on her own responsibility. This happened on the morning of May 27th. The check was on the Botanical National Bank, and the woman certainly seemed the perfect lady. Yes, that was the check.

"I offer the checks in evidence," said Levy. "I call the attention of the jury to the date of this swindle. On May 27th my client was still under arrest and awaiting trial."



was returned two days later, marked 'No effects.'

"On what bank was the check drawn?"

"On the Botanical National."

"I object, your honor," said the Assistant State's Attorney; "the date mentioned is subsequent to the crime with which the prisoner is charged and can have no bearing on the case."

Levy's lips curved in a derisive smile.

"The fact that the date is subsequent to the commission of the crime is what makes the evidence highly material," he said.

The Court wiped his spectacles and readjusted them.

"What do you expect to prove, Mr. Levy?" he asked, crisply.

"That this case is one of mistaken identity, your honor," replied Levy, with calm confidence. "I am now introducing evidence to prove it. Describe the woman who passed this check on you."

"She was a blonde," answered the druggist; "blue eyes. She wore a purple and white dress and a hat with a purple feather; had a good deal of style about her."

"I will direct your attention to the dress worn by the prisoner," said Levy. "Did the purple and white dress worn by the woman who passed this check upon you resemble it?"

"Dead-ringer for it," replied the witness, readily.

"He means that the costumes were practically identical," explained Levy.

"Was the prisoner the person who passed the check? Look closely, please."

The druggist looked at the prisoner. "I don't think so," he replied. "I wouldn't swear positively, but I don't think so."

Levy smiled. "I expected an objection there," he observed. "The last question was certainly superfluous for the record proves that my client was in the county jail at the date mentioned. I believe that is all."

Levy cast a glance at his client. She was looking at him intently, her lips parted and her eyes shining with expectation, and something else that made the lawyer's cynic heart swell within him. She had lost sight of the cause; the champion—her adroit and bold cham-

Again he was conscious of the glowing regard of Elise, who again smiled at him in a way that stirred him curiously.

"There is one other witness I expected to call," Levy said, "but he has not appeared in court and I think that his testimony would be unnecessary in any event. It is clearly proved by the evidence of the last two witnesses that a woman resembling my client and wearing a dress precisely the same in appearance is defrauding the public in the manner wrongfully charged against this innocent girl. I am willing to believe that the charge has been brought in good faith, and that the prosecuting witness was honest in her belief, but I do not think that she will now persist in it. I invite comparison of the fraudulent checks, which will be found identical in form and handwriting."

Here the prosecuting witness broke in shrilly:

"I honestly did think that it was the girl, your honor," she cried.

The Assistant State's Attorney turned upon her with a frown before which she shrank in alarm, and which provoked a titter from the spectators. Levy waited, a broad smile on his face, while the Judge rapped for order. Then, as the laughter subsided, his figure suddenly straightened from his lounging attitude, the smile disappeared and his voice boomed sonorously, commandingly, through the room:

"Your honor, I move that the case be dismissed and the prisoner discharged."

"The motion is granted," said the Court.

An hour later Levy sat in his office trying to think the matter over clearly, and with rather poor success. He could only think of the radiant transfiguration of the girl's face when the realization of her freedom was borne in upon her, of her broken utterance when she

had tried to express her gratitude and of the clasp of her hand in his. He had been actually embarrassed and embarrassment was a novel sensation to him. Then she had spoken of paying him.

"Come over to my office after a while—any time this afternoon—and we'll see if we can make some arrangement," he had said, without any very clear idea of what he was saying. Obviously, he should have taken her to lunch and celebrated. Why didn't he?

There was an answer to the question that he was unwilling to admit to himself—that he had grown to care for this girl in a way that rendered the ordinary "affair" impossible; that, unscrupulous as he was, she had awakened scruples in him; that, material as he was, a spirituality that had obsessed his soul since he had first met her had effected an entrance and had set up an ideal that she, a thief, as he knew her to be, could never realize.

He looked at his watch for the twentieth time, and at that moment there was a rap at the door. He took up a pen and bent over his desk but made no response. The door opened—to the "Queen of 'Em All'."

"You don't seem glad to see me," was her first remark.

"I'm busy," said Levy, shortly. "What do you want to see me about?"

"Nothing that will take up any of your time," said the lady, seating herself. "I just want to touch you for the price of a dress. I guess another twenty-five dollars will about square us."

"That's not it, at all," retorted Levy; "you've got two more guesses coming, Katie. I thought you were bright enough to do better than that. You got your dress, didn't you?"

"That's all right," she replied; "now I want another. See here, Willie, dear, you told me I was let out on consequences in this check case, didn't you?"

"I did," Levy admitted, "and what I said I'll stand for," he added. "I won't even ask you to pay for the complexion powder and manicure set and gloves."

"You're a prince," said the "Queen of 'Em All'" sarcastically.

"Don't you think it, I'm a piker," corrected the importunate Levy.

"But you're going to do the square thing," she said, smiling cheerfully. "Here's the point; I paid sixty for that outfit. Hope to die if I didn't! The lid set me back a ten spot, too, but I won't say anything about that. My feet are small, but the rest of me ain't."

"So you put up the rest of the stuff yourself just to do the job properly, eh?" queried Levy.

"Not on your life! I had the dress already, don't you see? I wore it when I skinned the old woman on the check that started the fuss. But I can't wear it again, and you've spoiled my graft. Don't you think you owe me another twenty-five, anyway?"

Levy gasped. Then, pulling out his pocketbook, he extracted a couple of bills and handed them to the woman. Taking her by the arm he conducted her to the door and gently put her on the outside of it. "Don't come back here again, Katie," he said, softly.

He went back and threw himself into his chair, where he sat staring blankly at the calendar on the wall without moving or changing his expression for at least ten minutes. How much longer he would have sat there is a matter of conjecture, but there came another knock at the door, and this time he leaped to open it.

It was Elise, who, blushing, trembling, her eyes brimming with tears of gratitude, clasped his hand in both of hers and tried again to thank him.

"Sit down," said Levy. "Don't say anything more. You're making me feel cheaper every word you say. You didn't cash the checks."

She looked at him in amazement. "Of course I didn't," she said.

"I know it," said Levy. "I just found it out."

She still stared at him, bewildered. "I don't understand," she said slowly.

"Listen, then," said the lawyer. "I'll tell you." He had grown pale and spoke haltingly and with an air of forcing himself by the exertion of a strong but sorely self-opposed will. "Listen," he said again; and he told her what he had done.

As the confession proceeded he saw amazement give place to horror and disgust in the expression of her face; but for all that he went doggedly on to the end, not sparing himself. "Do you think you understand now?" he asked when he had concluded.

"I—I think you meant kindly to me," she said sadly; "but how could you have done it! I would rather they had sent me to the penitentiary!"

"I believe you," said Levy huskily, "and I believed you when I didn't know it. But do you understand?"

She rose. "Good-by," she said brokenly. "I'm sorry, so sorry! I thought you were—different. I must pay you, too. I will pay you if—"

"Yes," said Levy, almost sternly, "you must pay me. Sit down; I haven't finished yet. You asked me why I did it, didn't you. It was because I loved you. Don't look frightened, girl! Don't! Wait till you hear. I've shocked you, haven't I? I know. I'm all to the bad; that's right. And I'm not either. Elise, I am different, and I want you to keep on thinking so. I found out I was different when I got to know you. Look at me now and see if you think I am lying to you. Why have I told you this? Because I wanted to be square with you."

"Be square with everybody," she said gently.

"Watch me!" he said with fervor. "And it's up to you to help. I want you to marry me. I haven't had much chance, girl; remember that. I've had to fight my way ever since I was a kid kicked out into the Ghetto gutter twenty-five years ago. I haven't fought fair always, either, but I always wanted to. I'll fight from this on whether you help me or not. But you'll help me won't you, little girl? It may be hard—"

She raised her eyes to his and they were radiant.

"Oh, no!" she cried, "it ain't hard!"